

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**GARY LEON WEBSTER
ADC #114018**

PLAINTIFF

VS.

4:21-cv-00264 BRW

ASTRAZENECA PHARMA

DEFENDANT

ORDER

On April 5, 2021, Plaintiff Gary Leon Webster (“Plaintiff”) filed a *pro se* complaint and a request to proceed *in forma pauperis* (“IFP”).¹

The Prison Litigation Reform Act provides that a prisoner cannot proceed *in forma pauperis* (“IFP”)

if the prisoner has on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.²

Before filing this lawsuit on April 5, 2021, Plaintiff filed at least three actions that were dismissed for failing to state a claim upon which relief may be granted.³ Nevertheless, Plaintiff may proceed IFP if he falls under the “imminent danger” exception to the three strikes rule.⁴ The

¹ Doc. Nos. 1-2.

² 28 U.S.C. § 1915(g).

³ See *Webster v. Does*, 3:19-cv-00059-DPM (E.D. Ark.); *Webster v. Pigg*, 3:19-cv-00060-DPM (E.D. Ark.); *Webster v. Days Inn Motels, Inc.*, 3:19-cv-00078-DPM (E.D. Ark.).

⁴ See 28 U.S.C. § 1915(g) (providing that three strikers should be granted permission to proceed *in forma pauperis* if they are “under imminent danger of serious physical injury”).

exception applies only if the prisoner is in imminent danger at the time he filed his complaint; “[a]llegations that the prisoner has faced imminent danger in the past are insufficient.”⁵

Plaintiff complains about the funding Astrazeneca received for developing its Covid-19 vaccine and he questions the vaccine’s safety.⁶ Plaintiff, however, has not alleged facts that establish imminent danger, and nothing in his pleading otherwise indicates or implies he is in imminent danger of serious physical injury. Accordingly, Plaintiff’s request to proceed IFP (Doc. No. 1) is DENIED and this case is DISMISSED due to Plaintiff’s failure to pay the filing fee. Plaintiff will have thirty (30) days to reopen this case by paying the \$402 filing fee in full.

IT IS SO ORDERED this 6th day of April, 2021.

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

⁵ *Ashley v. Dilworth*, 147 F.3d 715, 717 (8th Cir. 1998).

⁶ Doc. No. 2.